DUCKEL FILING DATE 23 DEMAND JUDGE JURY DOCKET DIST/OFFICE NUMBER MO. DAY YEAR 0 R YR. \$ OTHER NUMBER 23 DEM. NUMBER YR. P 8509 75 0197-B 75 -197 05 16 75 4 190 12 400 1085/4 DEFENDANTS

**PLAINTIFFS** 

NEW DIMENSION LEASING CO., INC. A Corporation

CAPITAL MARKETING CORPORATION, A Corporation, FORD MOTOR CREDIT COMPANY, A Corporation, ANTHONY FASANELLA, An Individual

## CAUSE

T. 28, U.S. 1332 Breach of Contract to pay money and for fraud in inducing plaintiff to enter into contract.

## **ATTORNEYS**

Benjamin P. Abney Chapel, Wilkinson, Riggs & Abney 1640 South Boston Avenue Tulsa, Oklahoma 74119 (918-587-3161)

all defts SAM P. DANIEL, JR. (Ford Motor DALLAS E. FERGUSON 1200 Atlas Life Bldg. Credit Co.) Tulsa, Okla. 74103

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DATE	NR.	PROCEEDINGS
5-16-75	1.	Complaint filed and Summons issued. v
5-16-75	2.	Appl. to appoint special officer to serve summons in this action and Order, appointing Randall L. Skinner as special officer, filed.(AEB-J)
5-30-75	- 1	US Marshal's Service returned and filed. Executed by serving summons Ford Motor Credit Company by serving The Corporation Company, 735 First National Building, Oklahoma City, Oklahoma 73102 by Marshal in Oklahoma City, fees \$4.00., filed. mm
5-30-75	(	US Marshal's Service returned and filed. Executed by serving summons on Capital Marketing Corporation, 2975 Treat Blvd., Concord, California 94518 by Marshal in California, fees of \$11.20.mm
5-30-75	(	JS Marshal's Service returned and filed. Executed by serving summons on Anthony Fasanella, 2975 Treat Blvd., Concord, California 94518 by Marshal in California, fees of \$11.20. mm
6-6-75	3.	Application for Extension of Time, filed.mm of 15 days
6-6-75	4.	Order Granting Extension of time/from 6-6-75 in which to file evidence a brief in support of the Motion to Dismiss Complaint granted.
6-6-75	5.	(JCS)mm Capital Marketing Corp. and Anthony fasanella Motion/to Dismiss Complaint for Lack of Jurisdiction over the Person a insufficiency of service of process, filed. mm
6-9-75	6.	APPLI. of deft Ford Motor Co. for ext. of time, filed. 1m
6-9-75	7.	ORDER granting deft. Ford Motor Credit Co. ext of time to 6-24-75 filed. (JCS-Clk)lm cps mld.
6-19-75	8.	DEMAND FOR JURY TRIAL, filed by Pltf.b
6-23-75	9.	Affidavits of Anthony Fasanella in support of mot. to dismiss complaint for lack of jurisdiction and insufficiency of service, filed. g
6-23-75	10	Brief in support of defts' motion to dismiss for lack of jurisdiction and insufficiency of service, filed. g
6-23-75	МО	Plaintiff directed to file responsive brief tomot. to dismiss within 10 days. (AEB-J)g
6-24-75	11.	Deft. Ford Motor Credit Co Application for Extension of Time, filed.
6-25-75		Defts. Capital Mktg. Corp & Fasanella's appl. for oral argument on motion to dismiss, filed.k
6-26-75	13	Order, filed, granting deft. Ford Motor Credit Co. time to ans. until the Court has ruled on mot. to dismiss of Capital Mkt. & Fasanella. (AEB-J)k cps mld
7-1-75	14.	Application for Extension of Time filed by the Pltf, New Dimension
7-1-75	15.	of 15 days
7-14-75	16	Suppl. Affidavit in Support of Mtn. to Dismiss Compl. for lack of
Service and March Control of the Con		Jurisdiction over the person and insufficiency of service of process filed.jj

Table NR. Reply brief of Pltf. in response to brief re Defts.' Mot. to Dismiss, filed w/affidavits of Jack James and George Forbes attached. v  8-25-75 MO Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k  Deposition of William F. Styler taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$51.00 pd by the Defts, filed. mm  Deposition of George Forbes taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$178.50 pd by the Defts, filed. mm  Deposition of Stephen J. Jatras taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$178.50 pd by the Defts, filed. mm  Deposition of Stephen J. Jatras taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$151.50 pd by the Defts, filed. mm	PLAINTIFF	TO THE RESERVE TO SERVE THE SERVE TH		DEFENDANT	
7-18-75 17. Reply brief of Pltf. in response to brief re Defts.' Mot. to Dismiss, filed w/affidavits of Jack James and George Forbes attached. v  8-25-75 MO  Case referred to Mag. Bradford for F&R re pending mots. (AEB-J)k  Deposition of William F. Styler taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$51.00 pd by the Defts, filed. mm  Deposition of George Forbes taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$178.50 pd by the Defts, filed. mm  Deposition of Stephen J. Jatrns taken on behalf of the defts. on 8-26-75 before Evelyn E. Rutherford, CSR W/fees of \$15.00 pd by the Defts, filed. mm  Deposition of J. B. Bsiley taken on behalf of the defts. on 8-27-7 before Evelyn E. Rutherfors, CSR W/fees of \$94.50 pd by the Defts, filed. mm  Deposition of Anthony Fasanella, taken on behalf of pltf on 8-27-7 before Evelyn E. Rutherford and Glen R. Dorrough (CSRs) \$196.50.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Justin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Justin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford (CSR), \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford, SR, \$48.00.1m  Deposition of Austin R. Gibbons taken on behalf of pltf. on 8-27-7 before Evelyn E. Rutherford, SR, \$48.00.1m  Case called for hearing on the following the following the following the follow	New Dime	nsion	Leasing Co., Inc.		DOCKET NO. 75-C-197 sheet PAGE 3 XX 2nd XXXXX
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to dismiss the compl. for lack of jurisdiction over the person & insufficiency of service of process and Deft.'s mot. for oral argument on mot. to dismiss. Parties present. Defts.' mots. are sustained. Deft. to prepare formal order & F/R w/in 5 days.(MLB-Maximum mons served on defts. Capital Mkt. Corp and Anthony Fasanella in connection w/t case be quashed and the Compl. be dismissed as to said defts. & defts. be granted recovery of costs. (MLB-Mag)k cps mld  21 Ordered that Mot. to Dismiss Compl., for Lack of Jurisdiction over the Person and Insufficiency of Service of Process filed herein on behalf of Defts, Capital Marketing Corp., & Anthony Fasanella be and same is hereby granted, & said defts be granted recovery of their costs herein, filed and entered, (AEB-J)tc cps. mld.	1		Pltf's suppmtl. reply brief, filed. to		
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	emonitoristic indirection (Section )	21	Ordered that Mot. to the Person and Insu- behalf of Defts, Cap same is hereby gran	o Dismiss Compl., for Lack of J fficiency of Service of Process pital Marketing Corp., & Anthon ted, & said defts be granted re	y Fasanella be and covery of their
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LAINTIFF			DEFENDANT			
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DATE	NR.		PROCEEDING			
1-7	22	Bill of Costs set	for hearing January	20th, 1976 a	t <b>l</b> l:00 a.m	.,filed
1-13 1-16	23 <b>24</b>	Dismissal of Pltf., without prejudice against Ford, filed.to O-J Order dismissing case as to Ford Motor Credit Company without prejudice, filed & entered. (AEB-J)g cpies mld.				
1-26	CANCING THE PROPERTY OF THE PR	Bill of costs file	ed and taxed in the	amount of \$30	0.00.(JCS-C	C)t
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